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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,291	02/23/2004	Takashi Moriguchi	848075/0073	2076
29619	7590	10/19/2006		EXAMINER
SCHULTE ROTH & ZABEL LLP				KARIKARI, KWASI
ATTN: JOEL E. LUTZKER				
919 THIRD AVENUE			ART UNIT	PAPER NUMBER
NEW YORK, NY 10022				2617

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/785,291	MORIGUCHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kwasi Karikari	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 August 2006.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

***Response to Arguments***

2. Applicant's arguments filed 08/02/2006 have been fully considered but they are not persuasive.

In response to Applicant's outstanding argument that Lee (U.S. 20040198433 A1), (hereinafter Lee) fails to teach the claimed limitations "camera inside said connecting section", "optical axis" and "in parallel with said axial line" in claims 1 and 7, the examiner respectfully maintains that Lee teaches the claimed limitations (see Pars. [0029, 0034-35 and 0040-43]).

Furthermore, Shimamura et al., (U.S. 20030153372 A1), (hereinafter Shimamura) teaches "connecting section" (biaxial hinge 300, see Fig. 1A-C). The examiner also points out that claims 1 and 7 do not specifically define the direction of the mobile terminal in relationship with the "optical axis" and the "axial line".

In view of the above remarks, the rejections using Shimamura, Lee, Priestman et al. (20050245288 A1) and Wakabayashi et al. (U.S. 5,666,565) are proper and maintained as set forth below. These rejections are made FINAL.

3. ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1,2,3,5,6,7 and 9 are rejected under U.S.C. 103(a) as being unpatentable over Shimamura et al., (U.S. 20030153372 A1), (hereinafter Shimamura), in view of Lee (U.S. 20040198433 A1), (hereinafter Lee).**

*Regarding claim 1, Shimamura discloses a mobile terminal device with a camera (cellular phone including a camera section, see Par. [0055] and Fig. 7A-D) comprising: two casings which are overlapped on each other (see casings 300 and 100, Fig. 7B); connecting section (biaxial hinge 300, see Fig. 1A-C) for connecting said two casings so that said two casings rotate around an axial line in parallel with a direction in which said two casings are overlapped (see Par. [0069]); and a camera (see item 121, Fig. 3C); but fails to teach that the camera module disposed inside of said connecting section with an optical axis of said camera module in parallel with said axial line.*

*Lee teaches a portable wireless terminal 100 including a camera inside a hinge (see Par. [0029] and Fig. 1).*

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Lee into the system of Shimamura for the benefit of achieving a portable wireless terminal with expanded range of photographic angle.

Regarding **claim 2**, as recited in claim 1, Shimamura further discloses the mobile terminal device with a camera further comprising:

a display section which displays an image which is taken by said camera module, wherein said display section is disposed so as to be substantially orthogonal to said axial line of either one of said two casings (see Par. [0097] and item 202 in Fig. 7A-D).

Regarding **claim 3**, as recited in claim 1, Shimamura further discloses the mobile terminal device with a camera further comprising:

a sensor which measures a relative angle made by one of said two casings on which said camera module is disposed and the other of said two casings on which said display section is disposed, wherein an image which is taken by said camera module is displayed on said display section in a rotated manner according to the measurement result by said sensor (camera sense user image and records his/her image and displays the image on the display unit 202, see Par [0076-77 and 0097]).

Regarding **claim 5**, as recited in claim 3, Shimamura further discloses the mobile wherein an image which is taken by said camera module is rotated by 90 degrees with

no change to the aspect ratio of said image and then is displayed on said display section when the measurement result is that said relative angle is 90 degrees (display control section 114 control and convert the displayed content, (see Par. [0070-71]).

Regarding **claims 6**, as recited in claims 1, Shimamura further discloses the mobile terminal device with a camera is a portable telephone see Fig. 7A-D).

*Regarding claim 7, Shimamura discloses a mobile terminal device with a camera (cellular phone including a camera section, see Par. [0055] and Fig. 7A-D), comprising:*  
two casings which can be overlapped on each other (see casings 300 and 100, Fig. 7B);

a connecting section (biaxial hinge 300, see Fig. 1A-C) for connecting said two casings so that said two casings rotate around an axial line in parallel with a direction in which said two casings are overlapped, wherein said connecting section has a fixed base member which is fixed on one of said two casings and a movable base member which is fixed on the other of said two casings and is fit in the peripheral surface of said fixed base member rotatably around said axial line (see Fig. 3A);

a hollow space provided in said fixed base member (biaxial hinge with metal pivot shaft, see Par. [0045]), but fails to teach the camera module is disposed inside of said hollow space, with an optical axis in parallel with said axial line.

Lee teaches a portable wireless terminal 100 including a camera inside a hinge (see Par. [0029] and Fig. 1).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Lee into the system of Shimamura for the benefit of achieving a portable wireless terminal with expanded range of photographic angle.

Regarding **claims 9**, as recited in claim 7, Shimamura further discloses the mobile terminal device with a camera is a portable telephone (see Fig. 7A-D).

**4. Claim 4 is rejected under U.S.C. 103(a) as being unpatentable over Shimamura in view of Lee and further in view of Priestman et al. (20050245288 A1) (hereinafter Priestman).**

Regarding **claim 4**, as recited in claim 2, the combination of Shimamura and Lee fail to teach that said camera module is fixed to said casing in which said display section is disposed.

Priestman teaches that said cameral module is fixed to said casing in which said display section is disposed (see Par. [0061] and Fig. 2B, item 124).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Priestman into the system of Shimamura and Lee for the benefit of achieving a mobile telephone handset that includes a camera that is protected by the door cover of the handset.

5. **Claim 8 is rejected under U.S.C. 103(a) as being unpatentable over Shimamura in view of Lee and further in view of Priestman and further in view of Wakabayaski et al. (U.S. 5,666,565), (hereinafter Wakabayashi).**

Regarding **claim 8**, as recited in claim 7, the combination of Shimamura, Lee and Priestman fail to teach that the mobile terminal device with a camera further comprising: a fixed cylinder as part of said camera module, which acts as a casing for said camera module; a cam cylinder as part of said camera module, which is fit in the peripheral surface of said fixed cylinder movably along said axial line; a linear groove provided on the peripheral wall of said fixed cylinder in parallel with said axial line; a cam groove provided on the peripheral wall of said cam cylinder in parallel with said axial line; and a pin provided with a lens on the tip thereof, which penetrates said linear groove to connect with said cam groove movably along said axial line.

Wakabayashi teaches a fixed cylinder (4) as part of said camera module, which acts as a casing for said camera module;

a cam cylinder as part (16) of said camera module, which is fit in the peripheral surface of said fixed cylinder movably along said axial line;

a linear groove (10a) provided on the peripheral wall of said fixed cylinder in parallel with said axial line;

a cam groove (16a) provided on the peripheral wall of said cam cylinder in parallel with said axial line; and

a pin provided with a lens on the tip thereof (lens group 12), which penetrates said linear groove to connect with said cam groove movably along said axial line (see column 4, lines 20-60).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Wakabayashi into the system of Shimamura, Lee and Priestman for the benefit of achieving a portable terminal device that includes camera with focal length varying mechanism.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Mizuta et al. (U.S. 20030064758 A1)** teaches a foldable portable information terminal.

**Ohno (U.S. 20040127262)** teaches a cellular telephone .

**Ozaki (U.S. 20020061770 A1)** teaches an opening /closing type portable information terminal.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

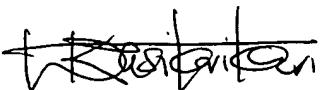
Art Unit: 2617

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

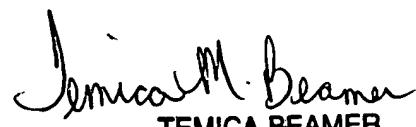
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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